

APPROVAL # **31**

CHAPTER **264**

LAWS OF 19 **90**

MEMORANDUM NO.

SENATE BILL **5301**

ASSEMBLY BILL

5301

1989-1990 Regular Sessions

IN SENATE

May 10, 1989

Introduced by Sen. VOLKER -- read twice and ordered printed, and when
printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to offenses involving elec-
tronic stun guns

IN THE ASSEMBLY BY **5398-A**

Conners (ms)

DATE RECEIVED BY GOVERNOR:

6/19/90 *R*

ACTION MUST BE TAKEN BY:

6/26/90 *act*

DATE GOVERNOR'S ACTION TAKEN:

JUN 24 1990

000001

000002

SENATE VOTE 50 Y 9 N

HOUSE RULE MESSAGE Y ✓ N

DATE 4.4.90

BILL IS DISAPPROVED

ASSEMBLY VOTE 120 Y 23 N

DATE _____

DATE 6/13/90

COUNSEL TO THE GOVERNOR

S. 5301

(A. 5301-A)

NEW YORK STATE ASSEMBLY
TWO HUNDRED THIRTEENTH SESSIONREPRINT
DATE: 06/13/90DATE: 06/13/1990
TIME: 05:39:04 PM

BILL: S5301 (A5398-A) R.R. NO: 554 SPONSOR: VOLKER

Includes possession of an electronic stun gun within crime of
criminal possession of a weapon in the fourth degree

Y	Abbate PJ	Y	Gantt DF	NAY	Orloff C
Y	Abramson E	Y	Genovesi AJ	Y	O'Shea CJ
NAY	Anderson RR	Y	Gottfried RN	Y	Parment WL
Y	Balboni MA	Y	Graber VJ	Y	Parola FE
Y	Barbaro FJ	Y	Grannis A	Y	Passannante WF
Y	Barnett HW	ABS	Green RL	Y	Pataki GE
Y	Barraga TF	Y	Greene A	Y	Pheffer AI
Y	Becker GR	Y	Griffith E	Y	Pillittere JT
NAY	Behan JL	Y	Harenberg PE	Y	Pordum FJ
Y	Bennett LE	ABS	Harris CH	NAY	Prescott DW
Y	Bianchi IW	Y	Hasper J	Y	Proskin AV
Y	Bionacis JJ	Y	Hawley RS	NAY	Proud G
Y	Boylard WF	Y	Healey PB	NAY	Rappleyea CD
NAY	Bragman MJ	EOR	Hevesi AG	Y	Reynolds TM
Y	Brennan JF	Y	Hikind D	Y	Robach RJ
Y	Brodsky RL	Y	Hill EH	Y	Rosado D
Y	Brown HC	Y	Hillman MC	Y	Saland SM
Y	Bush WE	Y	Hinchey MD	Y	Sanders S
Y	Butler DJ	Y	Holland JR	Y	Sawicki J
Y	Canestrari RJ	Y	Hoyt WB	Y	Schimminger RL
NAY	Casale AJ	Y	Jacobs RS	Y	Schmidt FD
Y	Catapano TF	Y	Jenkins C	Y	Seabrook L
NAY	Chesbro RT	Y	Kaufman SB	NAY	Sears WR
Y	Clark BM	Y	Keane RJ	Y	Seminario AS
Y	Cochrane JC	NAY	Kelleher NW	Y	Siegel MA
Y	Colman S	Y	King RL	Y	Silver S
Y	Connelly EA	Y	Koppell GO	Y	Singer CD
Y	Connors RJ	Y	Lafayette IC	Y	Straniero RA
Y	Conte JD	EOR	Larkin WJ	Y	Sullivan EC
Y	Cooke AT	Y	Lasher HL	Y	Sullivan PM
NAY	Coombe RI	NAY	Leibell VL	Y	Sweeney RK
Y	Crowley J	Y	Lentoi JR	Y	Tallon JR
NAY	D'Andrea RA	Y	Lopez VJ	NAY	Talomie FG
Y	Daniels GL	Y	Luster MA	NAY	Tedisco J
Y	Davidson DR	Y	Madison GH	Y	Tocci RC
Y	Davis G	Y	Marshall HM	Y	Tokasz P
Y	Dearle JC	Y	Martinez I	Y	Tonko PD
Y	Del Toro A	Y	Mayersohn N	EOR	Vann A
Y	Diaz HL	Y	McCann JW	Y	Vitaliano EN
Y	DiNapoli TP	Y	McGee PK	NAY	Warren GE
Y	Dugan EC	NAY	Miller RH	Y	Weinstein HE
NAY	Eannace RJ	Y	Murphy MJ	Y	Weisenberg H
Y	Eve AO	Y	Murtaugh JB	Y	Weprin S
Y	Farrell HD	Y	Nadler J	Y	Wertz RC
Y	Faso JJ	EOR	Nagle JF	NAY	Winner GH
Y	Feldman D	Y	Nolan CT	Y	Yevoli LJ
Y	Flanagan JJ	Y	Norman C	Y	Young GP
Y	Friedman G	NAY	Nortz HR	Y	Zaleski TM
NAY	Frisa D	Y	Nozzolio MF	Y	Zimmer MN
Y	Gaffney RJ	NAY	O'Neil JG		Mr. Speaker

YEAS: 120

NAYS: 23

CONTROL: 35526004

CERTIFICATION: /S/ FRANCINE M. MISASI
CLERK OF THE ASSEMBLYLEGEND: Y=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

000003

1990

SENATE JOURNAL

APR 4 - 1990

PAGE

16

SENATE

The Senate Bill

by Sen. VOLKER

Entitled: "

Calendar No. 296Senate No. 5301

Assem. Rept. No. _____

An act to amend the penal law, in relation to offenses involving electronic stun guns

DEBATE WAS HAD THEREON

"was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	17	Mr. Babbush			21	Mr. Markowitz	
	33				58	Mr. Masiello	
	43	Mr. Bruno			46	Mr. McHugh	
	25	Mr. Connor			23	Mr. Mega	
	40	Mr. Cook			30	Mrs. Mendez	
	61	Mr. Daly			22	Ms. Montgomery	
	47	Mr. Donovan			42	Mr. Nolan	
	44	Mr. Farley			27	Mr. Ohrenstein	
	31	Mr. Galiber			14	Mr. Onorato	
	13	Mr. Gold			36	Mrs. Oppenheimer	
	32	Mr. Gonzalez			11	Mr. Padavan	
	37	Mrs. Goodhue			29	Mr. Paterson	
	26	Mr. Goodman			54	Mr. Perry	
	39	Mr. Gray			56	Mr. Present	
	18	Mr. Halperin			55	Mr. Quatrocioni	
	6	Mr. Hannon			41	Mr. Rolison	
	48	Ms. Hoffmann			50	Mr. Seward	
	10	Mr. Jenkins			60	Mr. Sheffer	
	4	Mr. Johnson			9	Mr. Skelos	
	53	Mr. Kehoe			20	Miss Smith	
	52	Mr. Kuhl			19	Mr. Solomon	
	2	Mr. Lack			35	Mr. Spano	
	1	Mr. LaValle	EXCUSED		57	Mr. Stachowski	
	28	Mr. Leichter			45	Mr. Stafford	
	38	Mr. E. Levy			12	Mr. Slavisky	
	8	Mr. N. Levy			3	Mr. Trunzo	
	51	Mr. Libous			7	Mr. Tully	
	49	Mr. Lombardi			34	Mr. Velella	
	15	Mr. Maltese			59	Mr. Volker	
	24	Mr. Marchi			16	Mr. Weinstein	
	5	Mr. Marino					

AYES

50

NAYS

9

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

000004

SENATE

The Senate Bill
 by Sen. **VOLKER**
 Entitled: "

Calendar No. **296**

Senate No. **5301**

Assem. Rept. No. _____

S. 5301 VOLKER

An act to amend the penal law, in relation to offenses involving electronic stun guns

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	48	Ms. Hoffmann			50	Mr. Seward	
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	1	Mr. LaValle			57	Mr. Stachowski	
	28	Mr. Leichter			45	Mr. Stafford	
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	8	Mr. N. Levy			3	Mr. Trunzo	
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	24	Mr. Marchi			16	Mr. Weinstein	
	5	Mr. Marino					

AYES **53**
 NAYS **0**

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

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SB

C-264

S-5301

B-203 (12/75)

BUDGET REPORT ON BILLS

Session Year 1990

SENATE

NO RECOMMENDATION

ASSEMBLY

No. 5301

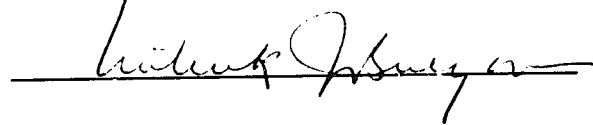
No.

Law: Penal Law

Title: AN ACT to amend the above law, in relation to offenses involving electronic stun guns

The above bill has been referred to the Division of the Budget for comment. After careful review, we find that the bill has no appreciable effect on State finances or programs, and this office does not have the technical responsibility to make a recommendation on the bill.

We therefore make no recommendation.



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Senator Dale M. Volker

S. 5301

MEMORANDUM IN SUPPORT

An Act to amend the penal
law, in relation to
offenses involving
electronic stun guns

Purpose

This bill would make the possession of an electronic stun gun a crime. Stun guns would be put in the classification as a weapon.

Summary of Provisions

Adds a new subdivision 15(c) of the Penal Law, as added by Chapter 217 of the Laws of 1976 and amends subdivision 1 of Section 265.01 of the Penal Law, as amended by Chapter 220 of the Laws of 1988, to include electronic stun gun. Possession of an electronic stun gun would be a criminal offense in the fourth degree.

Justification

Stun guns, which are described as hand-held weapons that administer high-voltage, low-amperage charges, have shown up across the State in a variety of confrontational circumstances, such as experienced by police officers in domestic disputes. Local police previously have had no cause of action when faced with stun guns. This legislation will alleviate past problems and allow officers to make an arrest for possession.

Effective Date

The first day of November after it becomes law.

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A.5398-A

New York State Assembly
Memorandum in Support of Legislation
submitted in accordance with Assembly Rule III, para.1.(e)

Bill Number: A.5398A S.5301A ☐ memo on original draft
☒ memo on amended bill

Sponsors: Members of Assembly: Richard J. Conners

Senators: Dale Volker

Introduced at the request of: _____

Title of Bill: AN ACT to amend the penal law, in relation to
offenses involving electronic stun gun.

Purpose or General Idea of Bill: This bill would make the
possession of an electronic stun gun a crime. Stun guns
would be put in the classification as a weapon.

Summary of Specific Provisions: Section 265.01 of the penal law
is amended by adding a new subdivision 15c and subdivision 1
of section 265.01 of the penal law, as amended by Chapter
220 of the Laws of 1988 is amended.

Effects of Present Law Which This Bill Would Alter: Possession of
an electronic stun gun would be a criminal offense in the
fourth degree.

Justification: During August 18, 1988 a county worker shocked
two fellow female co-workers with an electrical stun gun. A
stun gun is a hand-held weapon that administers a high-
voltage, low-amperage charge, either by placing it directly
on the victim's body or through wires attached to date that
are fired at the victim. Current state law does not
specifically outlaw stun guns used in this incident.

Prior Legislative History: 1989: A5398A: Cal. #197
S5301A: Rules

Fiscal Implications for State and Local Government: None

Effective Date: The first day of November next succeeding the
date on which it shall have become law.

000008

SB

S- 5301



THE SENATE
STATE OF NEW YORK
ALBANY 12247

DALE M. VOLKER
59TH DISTRICT
CHAIRMAN
COMMITTEE ON CODES

PLEASE RESPOND

☐ ALBANY OFFICE
ROOM 609
LEGISLATIVE OFFICE BUILDING
ALBANY NEW YORK 12247
518 455 3471

☐ DISTRICT OFFICE
5314 BROADWAY
LANCASTER NEW YORK 14086
716 681 3373

June 18, 1990

Hon. Evan A. Davis
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York 12224

Re: S.5301

Dear Mr. Davis:

This is in response to your request for comment on the above-referenced legislation pending before the Governor for approval, and to submit the enclosed memorandum in support of the bill.

Senator Volker urges the Governor's approval, and I hope you will feel free to contact me if I can be of any assistance to you or your staff in preparing your recommendation. Please keep in mind that the Governor, as part of his 1990 legislative program, also sought to ban electronic stun guns.

Sincerely,

Kenneth J. Connolly
Kenneth J. Connolly
Counsel

KJC:ho
Enc.

000009

SB

S- 5301



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RICHARD J. CONNERS
104th District
Most of the City of Albany
Towns of Guilderland and New Scotland

CHAIRMAN
Committee on Veterans Affairs

Room 524 State Capitol
Albany, New York 12248
(518) 455 4178

FAX # (518) 455 5737

June 15, 1990

The Honorable Evan A. Davis
Counsel to the Governor
Executive Chamber - Room 225
State Capitol

Re: S-5301 - Volker
A-5398A- Connors

AN ACT to amend the penal law, in
relation to offenses involving electronic
stun gun

Dear Counsel Davis:

Both Houses of the Legislature have passed S.5301 (Volker) and A.5398A in the Assembly by the writer of this letter. It is a bill which defines "electronic stun gun", as any device designed primarily as a weapon, the purpose of which is to stun, cause mental disorientation, knock out or paralyze a person by passing a high voltage electrical shock to such person; makes possession of such weapon a Class A misdemeanor of criminal possession of a weapon in the 4th degree. Criminal sanction impact,

The bill is supported by the Police Conference of New York, Inc. representing more than 200 Police Benevolent Associations throughout the State of New York and urges its enactment into law.

The direct issue came about on August 17, 1988 when an Albany County worker shocked two girls with an electrical stun gun. Police arrested Mark L. Rooney at his office at the Albany County Real Property Tax Service in mid-afternoon after two female workers complained that Rooney had given them shocks and burns on their hips and buttocks. Rooney was arrested and arraigned in City Police Court on two counts of assault and a count of criminal possession of a weapon. The victims told police that Rooney came up behind them separately at the office on Monday and Tuesday afternoons and placed the six-inch stun gun on their bodies, delivering electrical charges. The stun gun delivers about 1200 volts of electricity, an amount which is painful, but not very often too harmful.

...

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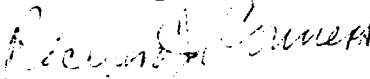
Honorable Evan A. Davis
Counsel to the Governor
June 15, 1990 - Page 2

Under the right conditions, however, a stun gun charge could be fatal. People wearing cardiac pacemakers or with subtle heart conditions can suffer irregular heart beats after receiving electrical shocks of this high voltage. Detective Captain William Murray of the Albany Police Department said the risk could also apply to people who abuse cocaine or amphetamines. Captain Murray said the recipient is altering their heart rate chemically, so a severe shock could affect them.

For this reason, after debate, the bill passed the Assembly by a vote of 120 to 23 and was sponsored in the Assembly by both the undersigned and Arnold Proskin of Colonie. We hope that you can see fit to recommend the Governor's approval for this effort to cut down on possible harmful usage as sub-division I 265.01 of the Penal Law (as amended by Chapter 220) of the Laws of 1988. If approved, the bill would take effect the first day of November next succeeding the date on which it shall have become a law.

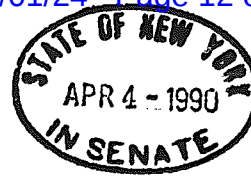
With every best wish, I am

Sincerely,



Richard J. Conners
Assemblyman

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The Senate bill No. 5301

Entitled:

AN ACT to amend the penal law, in relation to offenses involving electronic stun guns

was recalled from the Assembly by concurrent resolution.

On motion of Senator VOLKER and by unanimous consent,
the same was ordered returned to the Assembly for consideration.

By order of the Senate,

A handwritten signature in cursive script, reading "Stephen F. Blase".

Secretary



1125

STATE OF NEW YORK
IN SENATE

By Senator VOLKER

Resolved (if the Assembly concur), that the Assembly return to the
Senate, the Senate Bill No. 5301 for the purpose of amendment.
~~substitution.~~

(Insert Title)

By order of the Senate,

A handwritten signature in cursive script, appearing to read "Stephen F. Blumenthal".

Secretary

IN ASSEMBLY

MARCH 30, 1990
_____ 19 _____

Concurred in without amendments.

By order of the Assembly,

A handwritten signature in cursive script, appearing to read "Francis M. Miesi".

Clerk

SB

C-264

3-5301



LEONARD G. DUNSTON
DIRECTOR

NEW YORK STATE EXECUTIVE DEPARTMENT
DIVISION FOR YOUTH
84 HOLLAND AVENUE
ALBANY, NEW YORK 12208



CHARLES M. DEVANE
EXECUTIVE DEPUTY DIRECTOR

June 20, 1990

The Honorable Evan A. Davis
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Dear Mr. Davis:

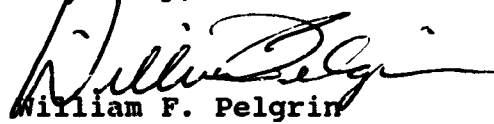
Re: S.5301. AN ACT to amend the penal law, in relation to
offenses involving electronic stun guns

The Division for Youth SUPPORTS this legislation.

This bill would amend the definitional section of Article 265 of the Penal Law (§265.00) by adding a new subdivision 15-C which would define the term "electronic stun gun." The bill would also amend subdivision one of Penal Law §265.01 to make possession of an electronic stun gun per se a criminal possession of a weapon.

The bill should deter acquisition of such weapons and enhance their removal from the general population.

Sincerely,


William F. Pelgrin
General Counsel

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C-264 S-5301

STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION

60 SOUTH PEARL STREET
ALBANY NY 12207 1596
(518) 474 1416

CHAIRMAN
WILLIAM G. McMAHON

COMMISSIONERS

DEBORAH A. REYES

June 20, 1990

Hon. Evan A. Davis, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

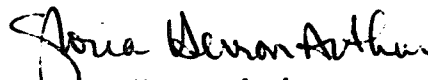
Re: AN ACT to amend the penal law,
in relation to offenses
involving electronic stun guns

Dear Mr. Davis:

The Commission of Correction supports this bill which would make possession of an electronic stun gun a crime. Currently, Penal Law section 265.00(15-a) prohibits possession of an "electronic dart gun," but is limited by definition to devices utilizing a "dart" or "projectile." A stun gun, which produces a result similar to that of an electronic dart gun, does not utilize a dart or projectile. This bill would address this omission and ensure that possession of stun guns is also proscribed.

Thank you for the opportunity to comment on this proposal.

Very truly yours,


Gloria Herron Arthur
Counsel

000015

SB

C-264

S-5301

MEMORANDUM



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES

TO: Evan A. Davis
Counsel to the Governor

FROM: M. Dawn Herkenham *MDH*
Counsel, Division of Criminal Justice Services

SUBJECT: Senate Bill Number 5301

DATE: June 21, 1990

This is in response to your request for comment on the above-entitled legislation which would amend sections 265.00 and 265.01(1) of the Penal Law to define and make unlawful the possession of an electronic stun gun.

An "electronic dart gun" is defined by section 265.00 (15-a) of the Penal Law and its possession is punishable as the class A misdemeanor of criminal possession of a weapon in the fourth degree under Penal Law §265.01(1). As presently defined, however, such a device must produce its effect by means of a dart or projectile. The bill would add a new definition for an "electronic stun gun" which passes a high voltage shock to a person by any means and would similarly proscribe its possession at the class A misdemeanor level. While the measure should have no direct impact on the operations of the Division of Criminal Justice Services, the proscription of such stun guns would remove an oversight in present law and reduce the use of these dangerous items. Accordingly, the Division of Criminal Justice Services supports approval of this legislation.

Thank you for the opportunity to comment on this legislation.

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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES
60 SOUTH PEARL STREET
ALBANY, NEW YORK 12207-1595

MARIO M. CUOMO
Governor

EDMUND B. WUTZER
State Director

MEMORANDUM

TO: EVAN A. DAVIS
Counsel to the Governor

FROM: LINDA J. VALENTI *LJV*
Counsel

DATE: June 18, 1990

RE: A. 5398-A

This memorandum is in response to your recent request for the Division of Probation and Correctional Alternatives' comments on the above-referenced legislation, which would amend Section 265.00 of the Penal Law to include a definition of electronic stun gun and amend Section 265.01 of such law to establish that any person possessing this weapon may be convicted of criminal possession of a weapon in the fourth degree.

In view of the potential health and safety concerns surrounding possession of an electronic stun gun and that it is dissimilar in some respects to an electronic dart gun, which is already outlawed, the Division supports making possession of an electronic stun gun a crime. Accordingly, the Division recommends that the Governor sign A. 5398-A into law.

cc: Sean Byrne

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3- 5301

S B



Memorandum

June 18, 1990

TO: Evan A. Davis, Esq.
Counsel to the Governor

FROM: Glenn Valle, Counsel *GV*

SUBJECT: TEN DAY BILL COMMENT - SENATE 5301

The Division of State Police supports this legislation.

cc: Sean M. Byrne, Esq.
Counsel to the Director of Criminal Justice

000018



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

RAMON J. RODRIGUEZ
CHAIRMAN

97 CENTRAL AVENUE
ALBANY, NY 12206

22 June 1990

Honorable Evan A. Davis
Counsel to the Governor
Executive Chamber
State Capitol
Albany, N.Y. 12224

Re: S.5301 - AN ACT to amend the penal law, in
relation to offenses involving
electronic stun guns

Dear Mr. Davis:

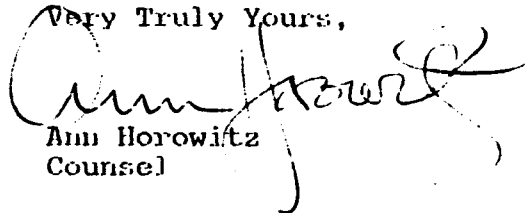
I am in receipt of your recent request for the Division
of Parole's analysis, comments, and/or recommendations
concerning the above referenced legislation.

Please be advised that the Division supports this
legislation and recommends that it be approved. This bill
amends Penal Law by adding the definition of an "electronic
stun gun" to §265.00 and by adding an "electronic stun gun"
to the list of weapons contained in §265.01.

The purpose of these changes is to make the mere
possession of an "electronic stun gun" illegal. Proof of
such possession will, in and of itself, suffice to establish
commission of a crime. Since this weapon has proven to be
extremely dangerous, this statutory change is warranted.
Therefore, the Division supports this legislation and urges
the Governor to approve it.

If you have any questions regarding these comments,
please do not hesitate to contact me.

Very Truly Yours,



Ann Horowitz
Counsel

000019

BOARD MEMBERS

ANGELO PETROMELIS, Chairman
DIANE McGRATH-McKECHNIE
GENNARO A. FISCHETTI



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
CRIME VICTIMS BOARD
845 CENTRAL AVENUE, ROOM 107
ALBANY, NEW YORK 12206-1588
(518) 457-8727

C-264

S.5301

A.5393-A

MEMORANDUM

TO: Evan A. Davis
Counsel to the Governor

FROM: Lorraine Felegy
Counsel, Crime Victims Board

RE: S.5301 - AN ACT to amend the penal law, in
relation to offenses involving electronic
stun guns

DATE: June 25, 1990

Recommendation: Support

Comment: This bill makes possession of an electronic stun gun a crime. As there is no legitimate purpose for individual use of such weapons, criminalizing possession will allow appropriate intervention.

/jt

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S.B.

S.5301



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III
COMMISSIONER

ANTHONY J. ANNUCCI
DEPUTY COMMISSIONER AND COUNSEL

June 18, 1990

Honorable Evan A. Davis
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

RE: S.5301

Dear Mr. Davis:

This bill would amend the penal law, in relation to offenses involving electronic stun guns.

The Department of Correctional Services has no objection to the approval of this legislation.

Very truly yours,

A handwritten signature in cursive script, reading "Anthony J. Annucci".

Anthony J. Annucci
Deputy Commissioner
and Counsel

AJA/tmd/21
cc: Sean Byrne, Esq.

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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

JUL 12 1990

MEMORANDUM filed with Senate Bill Number 5301, entitled:

CHAPTER 264

ARTICLE 31

"AN ACT to amend the penal law, in relation to offenses involving electronic stun guns"

A P P R O V E D

This bill, which is part of my 1990 Legislative Program, defines and makes criminal the possession of an electronic stun gun. The possession of an electronic dart gun constitutes the crime of criminal possession of a weapon in the fourth degree under existing law, but the definition of that device requires the passage of an electrical shock by means of a dart or projectile.

The availability and use of an equally dangerous weapon which passes a high voltage electrical shock to a person by means of direct contact or without resort to a projectile pose the same threat to New Yorkers. The possession of an electronic stun gun merits a criminal sanction identical to that applicable to the possession of an electronic dart gun and the bill accords such treatment to those weapons.

Approval of the bill is recommended by the Division of State Police, the Division of Criminal Justice Services, the Division of Probation and Correctional Alternatives and the Police Conference of New York, Inc.

The bill is approved.

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C-264



PAUL D. CAROZZA, PRESIDENT
METROPOLITAN POLICE
CONFERENCE OF
NEW YORK STATE
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S. 5301

A. 5398-A

June 14, 1990

Honorable Evan A. Davis
Counsel to the Governor
State Capitol
Albany, New York 12244

Re: S. 5301 - Introduced by Senator Volker
A. 5398-A - Introduced by Member of the Assembly Connors

An act to amend the Penal Law, in relation to offenses
involving electronic stun guns

Dear Mr. Davis:

The Metropolitan Police Conference of New York State, Inc. and the Police Conference of New York, Inc., a coalition of the largest organizations representing law enforcement throughout New York State, strongly supports this legislation which would make the possession of an electronic stun gun a crime.

This bill would add a new subdivision 19 to Section 265.00 of the Penal Law defining the term "Electronic stun gun." The definition would embrace weapons which project a high voltage electrical charge which stuns, knocks out, paralyzes, or causes disorientation in a person against whom it is used. There is currently no existing law prohibiting the possession of an electronic stun gun.

Since there has been a dramatic increase in the use of stun guns, this bill would redress the exclusion of stun guns from the Penal Law Weapons Prohibition. Since there is no rational basis for permitting the possession of a stun gun, on behalf of our combined memberships, we urge your support in signing this legislation into law.

Respectfully submitted,

PAUL D. CAROZZA, President
METROPOLITAN POLICE CONFERENCE

EDWARD W. GUZDEK, President
POLICE CONFERENCE OF NEW YORK

FLOYD HOLLOWAY, Joint
Legislative Chairman

JOHN LALONDE, Legislative
Co-Chairman

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S. 5301



Founded in 1925

POLICE CONFERENCE of New York, Inc.
Union of Police Officers

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GUS DANESE, Sgt.-at-Arms

S U P P O R T

AN ACT TO DEFINE "ELECTRONIC STUN GUN" AS ANY DEVICE DESIGNED PRIMARILY AS A WEAPON, THE PURPOSE OF WHICH IS TO STUN, CAUSE MENTAL DISORIENTATION, KNOCK OUT OR PARALYZE A PERSON BY PASSING A HIGH VOLTAGE ELECTRICAL SHOCK TO SUCH PERSON; MAKES POSSESSION OF SUCH WEAPON A CLASS A MISDEMEANOR OF CRIMINAL POSSESSION OF A WEAPON IN THE 4TH DEGREE. CRIMINAL SANCTION IMPACT.

S-5301 BY VOLKER/A-5398A BY CONNERS

THE POLICE CONFERENCE OF NEW YORK, INC., REPRESENTING OVER 200 PBA'S THROUGHOUT THE STATE OF NEW YORK, SUPPORTS THE ABOVE ENTITLED LEGISLATION AND URGES ITS ENACTMENT INTO LAW.


JOHN E. LALONDE
PCNY LEGISLATIVE CHAIRMAN

2-13-90

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